

AMENDED IN ASSEMBLY APRIL 20, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1217

Introduced by Assembly Member Monning

February 27, 2009

An act to *amend Section 35550 of, and to add Section 35617 to, the Public Resources Code*, relating to ocean resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1217, as amended, Monning. Ocean Protection Council: sustainable seafood.

The California Ocean Protection Act establishes the Ocean Protection Council in state government and provides that the council consists of the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, the Chair of the State Lands Commission, and 2 public members appointed by the Governor. The act requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems and to establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies.

~~This bill would require the council, by September 30, 2010, to develop and consider the adoption of criteria to certify local, sustainable California seafood and to develop procedures, a marketing emblem, and an organizational structure to implement the certification program with specified goals. The bill would also authorize the council to implement the certification program in cooperation with a qualified marketing association to promote the consumption of seafood sustainably caught or raised within the state.~~

This bill would require the council to develop and implement a specified voluntary sustainable seafood promotion program that would, among other things, consist of a protocol to guide entities on how to be independently certified to internationally accepted standards for sustainable seafood, as defined, and would prohibit seafood produced through aquaculture or fish farming from being certified as sustainable under these provisions until nationally or internationally accepted sustainability standards have been developed and implemented.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*
- 3 *(a) It is the Legislature's intent in enacting this act to encourage*
4 *California fisheries to seek certification in accordance with*
5 *internationally accepted standards for sustainability and to*
6 *promote the purchase and consumption of certified California*
7 *sustainable seafood.*
- 8 *(b) The world's oceans provide the people of California with a*
9 *wealth of ecological resources, including seafood.*
- 10 *(c) Unsustainable fishing practices can have adverse*
11 *consequences on ocean ecosystems, placing wildlife and resources*
12 *at risk.*
- 13 *(d) Within the commercial fishing sector there are a variety of*
14 *existing methods and practices that can reduce the environmental*
15 *impacts of seafood production.*
- 16 *(e) Internationally accepted standards for sustainable seafood*
17 *have been developed and implemented; however, no such standards*
18 *have yet been developed or implemented for aquaculture or fish*
19 *farming.*
- 20 *(f) Market-based approaches, including product differentiation,*
21 *labeling, and marketing, can provide incentives to improve the*
22 *sustainability of seafood production.*
- 23 *(g) The State of California is a major producer and consumer*
24 *of seafood that is marketed in the United States and abroad.*
- 25 *(h) Some California fisheries have adopted sustainable practices*
26 *consistent with internationally accepted standards and should be*

1 *recognized in the marketplace and others should be encouraged*
2 *to do so.*

3 *SEC. 2. Section 35550 of the Public Resources Code is*
4 *amended to read:*

5 35550. Unless the context requires otherwise, the following
6 definitions govern this division:

7 (a) "Council" means the Ocean Protection Council established
8 pursuant to Section 35600.

9 (b) "Fund" means the California Ocean Protection Trust Fund
10 established pursuant to Section 35650.

11 (c) "*Internationally accepted standards for sustainable seafood*"
12 *means standards that meet all of the following criteria:*

13 (1) *Are consistent with the Guidelines for the Ecolabeling of*
14 *Fish and Fishery Products from Marine Capture Fisheries*
15 *promulgated by the Food and Agriculture Organization of the*
16 *United Nations (FAO).*

17 (2) *Conform to all of the following principles:*

18 (A) *A fishery must be conducted in a manner that does not lead*
19 *to overfishing or depletion of the exploited populations and, for*
20 *those populations that are depleted, the fishery must be conducted*
21 *in a manner that demonstrably leads to their recovery.*

22 (B) *Fishing operations should allow for the maintenance of the*
23 *structure, productivity, function, and diversity of the ecosystem,*
24 *including habitat and associated dependent and ecologically*
25 *related species on which the fishery depends.*

26 (C) *The fishery is subject to an effective management system*
27 *that respects local, national, and international laws and standards*
28 *and incorporates institutional and operational frameworks that*
29 *require use of the resource to be responsible and sustainable.*

30 ~~(e)~~

31 (d) "Public agency" means a city, county, city and county,
32 district, or the state or any agency or department of the state.

33 ~~(d)~~

34 (e) "Sustainable" and "sustainability" mean both of the
35 following:

36 (1) Continuous replacement of resources, taking into account
37 fluctuations in abundance and environmental variability.

38 (2) Securing the fullest possible range of present and long-term
39 economic, social, and ecological benefits, while maintaining
40 biological diversity.

1 *SEC. 3. Section 35617 is added to the Public Resources Code,*
2 *to read:*

3 35617. (a) *The Ocean Protection Council shall develop and*
4 *implement a voluntary sustainable seafood promotion program*
5 *for the state.*

6 (b) *The program shall consist of all of the following:*

7 (1) *A protocol to guide entities on how to be independently*
8 *certified to internationally accepted standards for sustainable*
9 *seafood. The protocol must be developed in a transparent process*
10 *and adopted by the council in a public meeting.*

11 (2) *A marketing assistance program for seafood caught in*
12 *California that is independently certified to internationally*
13 *accepted standards for sustainable seafood.*

14 (3) *A competitive grant and loan program for eligible entities*
15 *for the purpose of assisting California fisheries in qualifying for*
16 *certification to internationally accepted standards for sustainable*
17 *seafood. This program may be implemented in coordination with*
18 *other state and private programs to maximize its effectiveness.*

19 (4) *The design of a label or labels that may be used exclusively*
20 *to identify seafood caught in California that is certified to*
21 *internationally accepted standards as sustainable seafood.*

22 (c) *Seafood produced through aquaculture or fish farming shall*
23 *not be certified as sustainable under this division until nationally*
24 *or internationally accepted sustainability standards have been*
25 *developed and implemented.*

26 ~~SECTION 1. Section 35617 is added to the Public Resources~~
27 ~~Code, to read:~~

28 ~~35617. By September 30, 2010, the council shall develop and~~
29 ~~consider the adoption of criteria to certify local, sustainable~~
30 ~~California seafood. The council shall develop procedures, a~~
31 ~~marketing emblem, and an organizational structure to implement~~
32 ~~the certification program. The goals of the certification process~~
33 ~~shall include, but are not limited to, creating economic incentives~~
34 ~~for sustainable fishing practices and economic support for the~~
35 ~~state's commercial fishing industry, its ports, and its harbors. The~~
36 ~~council may implement the certification program in cooperation~~
37 ~~with a qualified marketing association to promote the consumption~~
38 ~~of seafood sustainably caught or raised within California.~~